

execution with costs. If the right to collect and receive the rents, issues and profits for the full time they are payable does not sell for enough to satisfy the execution, with costs, the officer shall return the same satisfied in part only.

SEC. 5. Within five days from such sale, if the purchase price thereof is not paid to the officer by the debtor, or person claiming under him, such officer shall make, execute, acknowledge and deliver to the purchaser, a written instrument conveying the right to collect and receive the rents, issues and profits of the designated real estate for the time sold, which shall operate as a full and complete conveyance and assignment to the purchaser, of the rents, issues and profits due and to become due for the time for which the same were sold, and as specified in such conveyance. The tenant in possession shall attorn to the purchaser, and yield and pay to him such rents, issues and profits, and on failure so to do, the purchaser may, in his own name, maintain any action against the tenant, either at law or in equity, that the judgment debtor might have maintained to collect the same, eject the tenant, or otherwise.

SEC. 6. The debtor may, at any time after such conveyance is executed to him, pay the purchaser the purchase price with interest, and all costs sustained by him, less the rents, issues and profits he has received, and thereupon such purchaser's right to collect and receive such rents, issues and profits shall at once cease, and the purchaser shall, on request of the debtor and at his expense, execute to him an instrument in writing, relinquishing and surrendering all right to the subsequent rents, issues and profits. When the time for which the right to collect and receive such rents, issues and profits was sold expires, or when the debtor pays the balance due as provided in this section, the purchaser, if in possession of the real estate, shall surrender the same to the person entitled thereto.

SEC. 7. If the tenant in possession does not, within fifteen days from the time he receives the notice specified in the fifth preceding section, make sworn return to the officer as therein required, such officer may sell the real estate so in possession of the tenant, or sufficient to satisfy the execution as the property of the debtor, discharged from any right, title or interest of such tenant therein, and as the real estate, may be sold under this chapter. The officer to whom a writ of possession is issued after such sale may, by virtue thereof, remove the said tenant from said real estate, and put the purchaser in possession.

Approved November 20, 1894.

NO. 46.—AN ACT IN AMENDMENT OF SECTION ONE THOUSAND FOUR HUNDRED FORTY-THREE, R. L. (V. S., AS PROPOSED, SECTION ONE THOUSAND SIX HUNDRED TWENTY-SIX), RELATING TO ACTIONS OF SCIRE FACIAS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1443, R. L., is hereby amended so as to read as follows:

In actions of *scire facias* commenced to revive or enforce the execution of a judgment, the court shall, unless cause is shown to the contrary, render judgment in favor of the plaintiff for the amount of the original judgment, with interest, and costs on the *scire facias*; and when the writ is brought to revive a judgment rendered in an action founded on tort, when the court, at the time of the rendition of such original judgment, adjudged that the cause of action arose from the wilful and malicious act or neglect of the defendant, and that the defendant ought to be confined in close jail, unless the defendant, at the time of the hearing on the *scire facias*, shows cause to the contrary, the court shall revive such judgment, including said adjudication that the cause of action arose from the wilful and malicious act or neglect of the defendant and that he ought to be confined in close jail; and shall make a certificate thereof in or upon the execution issued on such judgment.

Approved November 22, 1894.

NO. 47.—AN ACT TO AMEND REVISED LAWS, SECTION 1673. (V. S., SECTION 1872.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. That section 1673 of Revised Laws be amended so as to read as follows:

No appeal shall be allowed in a criminal cause where the respondent is acquitted or where the respondent pleads guilty; but the respondent may appeal from a judgment or sentence of a justice against him in all other cases, if the appeal is claimed within two hours after the rendition thereof.

SEC. 2. If the respondent makes no defence, either by the introduction of witnesses, by cross-examining witnesses produced by the prosecution, or by raising questions of law, the costs before the justice shall be taxed against the respondent as provided by law in case of a plea of guilty.

Approved November 27, 1894.

NO. 48.—AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED SEVENTY-SIX, OF THE REVISED LAWS. (V. S., AS PROPOSED, SECTION ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1676, of the Revised Laws, is amended so as to read as follows:

If the respondent in a criminal cause appeals from the judgment or sentence of a justice, municipal or city court, the appeal shall suspend the judgment or sentence, but shall not vacate it; and if neither the prosecuting officer nor the respondent enters the case in court, the justice, municipal or city court, after the adjournment of the court to which the appeal is taken, may issue a warrant to carry his judgment into effect, as if no appeal had been taken.

SEC. 2. This act shall take effect from its passage.

Approved November 20, 1894.

NO. 49.—AN ACT IN RELATION TO PROCEEDINGS IN CHANCERY CAUSES APPEALED TO THE SUPREME COURT.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Whenever a cause in Chancery is pending, on appeal to the Supreme Court, and is disposed of in that court, and remanded to the court of chancery, the same shall be entered upon the docket of the court of chancery, and if such court is then in session the same proceedings may be had as though the cause had been entered the first day of the term, and a final decree entered as in other causes.

SEC. 2. This act shall take effect from its passage.

Approved November 24, 1894.

NO. 50.—AN ACT RELATING TO PROCEEDINGS IN DIVORCE CAUSES.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 2363 of the Revised Laws is hereby amended so as to read as follows:

No divorce shall be decreed for any cause which accrued in another State or country before the parties lived together in this State as husband and wife, and while neither party was a resident of this State, unless the libellant shall have resided in this State at least one year and in the county where the libel is preferred at least three months next before the term of the court to which the libel is preferred.

SEC. 2. Section 2365 of the Revised Laws is hereby repealed.

SEC. 3. Sub-division five of Sec. 2362 of Revised Laws is hereby amended so as to read as follows:

On petition of the wife when the husband has sufficient pecuniary or physical ability to provide suitable maintenance for her, and, without cause, grossly or wantonly and cruelly refuses or neglects so to do.

SEC. 4. This act shall take effect upon its passage.

Approved November 27, 1894.

NO. 51.—AN ACT REPEALING SECTION ONE, OF NUMBER NINETY-FOUR, OF THE SESSION LAWS OF 1884, RELATING TO DIVORCE CASES. (V. S., SECTION TWO THOUSAND SIX HUNDRED TWENTY-FIVE, AS PROPOSED.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1, of Act numbered 94, of the Session Laws of 1884, is hereby repealed.

SEC. 2. This act shall take effect from its passage.

Approved November 24, 1894.

NO. 52.—AN ACT TO AMEND CHAPTER 93 OF THE REVISED LAWS RELATING TO INSOLVENCY.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Sections 1803 and 1820 of the Revised Laws are hereby amended by striking out the words "sixty days" wherever it appears in said section and substituting in place thereof the words "four months."

SEC. 2. Section one thousand eight hundred and sixty-one of the Revised Laws is hereby amended by adding thereto the following: "Said term of four months mentioned in this and the preceding section shall not begin to run until, and shall be computed from, the date at which there shall be an actual change of possession of such property; or, in case such attachment, sequestration, levy, payment, pledge, sale, assignment, transfer or conveyance is by deed or other written instrument, which by law should be recorded, said term of four months shall not begin to run until, and shall be computed from, the date of the filing for record of such deed or written instrument in the proper office for the record thereof."

SEC. 3. Section 1883 of the Revised Laws is hereby amended by adding thereto the following: "And the expenses and charges incurred in such insolvency proceedings shall be paid by the administrator or executor of such deceased debtor out of said debtor's estate and shall be allowed as part of the expenses of administration."

SEC. 4. This act shall not affect any proceeding or attachments pending on the first day of February, A. D. 1895.

Approved November 26, 1894.

NO. 53.—AN ACT IN AMENDMENT OF AND ADDITION TO REVISED LAWS, SECTION ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE, RELATING TO MESSENGERS IN INSOLVENCY. (V. S., SECTION TWO THOUSAND AND NINE, AS PROPOSED.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1795 of the Revised Laws is amended by adding to the same the following:

The messenger may, under the order and direction of the judge, do any act or perform any duties that the assignee may do or perform when appointed. If such messenger brings any suit under the order of the court, the assignee when appointed may enter and prosecute the same.

Approved November 27, 1894.

NO. 54.—AN ACT IN AMENDMENT TO SECTION ONE THOUSAND NINE HUNDRED SEVENTY-FOUR OF THE REVISED LAWS, (SECTION TWO THOUSAND TWO HUNDRED TWO OF VERMONT STATUTES AS PROPOSED) RELATING TO MORTGAGES OF PERSONAL PROPERTY, AND TO SECTION ONE, NUMBER ONE HUNDRED ONE, LAWS OF 1884, ENTITLED "AN ACT PROVIDING PUNISHMENT FOR THE WRONGFUL SALE OR CONCEALMENT OF PERSONAL PROPERTY ON WHICH THERE IS A LIEN." (VERMONT STATUTES TWO THOUSAND TWO HUNDRED THIRTY SEVEN AS PROPOSED.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1974 of the Revised Laws (Section 2202 of Vermont Statutes as proposed) is hereby amended so as to read as follows:

If a mortgagor violates either of the three preceding sections he shall be fined double the value of the property so wrongfully removed from the State, sold, pledged or mortgaged, one-half to the use of the party injured, and the other half to the use of the treasury liable for the costs of prosecution.

SEC. 2. Section 1 of number 101, laws of 1884, is amended so as to read as follows:

If a person in possession of personal property, with a lien reserved thereon, duly recorded, with intent to defraud, before the performance of the condition precedent to acquiring absolute title thereto, sells the same without the consent of the vendor or his assignee, or with intent to defraud, conceals or aids in concealing

personal property upon which there is such a lien, or removes the same from the State without the consent of the vendor or assignee, such person shall be fined double the value of the property so wrongfully sold, concealed or removed, one-half to the use of the party injured, and the other half to the use of the treasury liable for the costs of prosecution.

Approved November 8, 1894.

NO. 55.—AN ACT TO AMEND SECTION 4, NUMBER 101, LAWS OF 1884 (V. S. 2232) RELATING TO DISCHARGE OF CONDITIONAL LIENS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 4, Number 93, Laws of 1884, is hereby amended to read as follows:

If the vendor, assignee, or the executor or administrator of either after the performance of the condition before or after breach thereof, shall not, for ten days after being thereto requested and tender of reasonable charges, discharge such lien in one of the ways provided in the preceding section, the person entitled to release may recover of the person whose duty it is to discharge the lien ten dollars for his neglect and all damages occasioned thereby, an action on the case.

Approved November 7, 1894.

NO. 56.—AN ACT TO AMEND SECTION TWO THOUSAND TWO HUNDRED AND THIRTY OF THE REVISED LAWS, AS AMENDED BY NUMBER SEVENTY-SEVEN, LAWS OF 1888. (V. S. AS PROPOSED, SEC. TWO THOUSAND FOUR HUNDRED AND EIGHTY-THREE.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. The third and fourth paragraphs of Section 2202 of the Revised Laws, as amended by number 77, Laws of 1888, is amended so as to read as follows:

If the deceased person leaves no issue, nor surviving husband or wife, as the case may be, the estate shall descend in equal shares to the father and mother of such deceased person; and if the mother is not living, the estate shall descend to the father; and if the father is not living and the mother survives, the estate shall descend to the mother.

Approved November 20, 1894.

NO. 57.—AN ACT IN ADDITION TO CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE REVISED LAWS, (CHAPTER ONE HUNDRED AND SIXTY-THREE OF V. S., AS PROPOSED) RELATING TO PRIVATE CORPORATIONS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Any corporation excepting savings banks and savings institutions organized under the laws of this State may, at a legal meeting called for the purpose, vote to wind up its affairs and having so voted, may apply by bill of complaint to the court of chancery in the county where it has its principal office, setting forth such facts as may be material and praying for the winding up of such corporation. Any chancellor may thereupon issue interlocutory orders, requiring all the creditors of such corporation to file specifications of their claims with the clerk of such court within a time to be limited in such orders, not less than ten months; and also requiring the creditors and stockholders, or members of such corporation, or other persons interested, to show cause at some regular term of said court why the prayer of such bill should not be granted; and prescribing the manner of notifying the creditors and other persons aforesaid, whether by personal delivery of notice, by acceptance of service, by publication, or by mail. This section shall not deprive the court of chancery of its jurisdiction in proper cases to grant relief to any minority of stockholders or members of such corporation.

SEC. 2. Upon due proof that such orders as to notice have been complied with, and unless cause be shown to the contrary, the court shall decree the winding up of the affairs of such corporation; and may authorize its capital stock and assets to be divided among its stockholders, or the other persons thereto entitled; and may make all proper orders and decrees for the effectual carrying out of the purposes of this act.

SEC. 3. If it shall at any time appear that the claim of a party in dispute, the chancellor may order an action to be commenced thereon within such short time as may be just; and may require such portion of the assets of the corporation as may seem necessary to be withheld from distribution to satisfy such claim if finally allowed. Or, the chancellor may order a reference of any claim to a master, and may require the payment thereof, according to the master's report, if accepted, as a condition precedent to ordering a division of such assets.

SEC. 4. All claims of creditors not so filed, or not sued upon within the period so limited by the chancellor, shall be released and barred as to said corporation, its officers and stockholders; and nothing herein contained shall affect a right of recovery against any other person who may be liable thereon.

SEC. 5. Section 33 of No. 60 of the laws of 1892 is hereby repealed.

Approved November 26, 1894.

NO. 58.—AN ACT IN AMENDMENT OF SECTION TWO HUNDRED EIGHTY-NINE OF THE REVISED LAWS. (V. S., SECTION THREE HUNDRED SEVENTY-SEVEN, AS PROPOSED.) (PENALTY FOR FAILURE OF CORPORATIONS TO MAKE RETURNS FOR TAXATION.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 289 of the Revised Laws is hereby amended so as to read as follows:

"A corporation whose officers neglect or refuse to make the returns required by this chapter shall forfeit a sum not exceeding five thousand dollars, to be recovered in an action on the case by the town to which such return is required to be made."

Approved November 27, 1894.